

in Chancery are given in England; and according to which it has been the practice in the Province and State of Maryland, and still continues to be, to give costs in all cases, except only in so far as it has been modified and controlled by the Constitution and the Acts of Assembly regulating officers' fees. 17 *Rich.* 2, c. 6; *Park. His. Co. Chan.* 35; 2 *Mad. Chan.* 543; *Kilty's Rep.* 224; *Declaration Rights*, Art. 30; 1779, ch. 25; 1826, ch. 247.(b) In the year 1436, to prevent the vexatious institution of suits in Chancery in England for matters determinable by the common law, it was declared by statute, that no subpoena should be granted until security was given to satisfy the party grieved for his damages and expenses if the matter of the bill should not be made good. 15 *Hen.* 6, c. 4. This legislative enactment required a plaintiff in Chancery in all cases to give security for costs. It is said, however, that this law has by degrees gone out of use or altogether vanished;

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and that an entirely different * course has long prevailed in England. 1 *Harr. Prac. Chan.* 200; 2 *Mad. Chan.* 543. This English Statute never was in force in Maryland; but here as in England security for costs might always have been required of a non-resident plaintiff. *Kilty's Rep.* 62.(c)

In general the name, description, and place of abode of the plaintiff should be set forth in the bill, that the Court and defendants may know where to resort to compel obedience to any order or process, and particularly for payment of any costs which may be awarded against the plaintiff, or to punish any improper conduct in the course of the suit. 1 *Fow. Exch. Pra.* 26.

As to the cases in which a plaintiff may be required to give security for costs, it may be regarded as settled, that when it

(b) "December, 1670, Ordered, that upon all rehearings and dismissions the costs paid before rehearing of the business to the defendant, if the business go for the plaintiff, the defendant to pay back the said costs again to the plaintiff; and this order to be observed for the future in this Court."

"Ordered also, that the register take fees in this Court as the officers of this Court in England, having one penny sterling for every pound of tobacco, and that he compute fifteen lines to be a sheet, and seven or eight words in each line; and that for every such sheet writing, engrossing, copying, or enrolling, he charge but eight pounds tobacco, or eight pence sterling."—*Chan. Proc. lib. C. D. fol.* 42.

(c) *JANSY v. CLAUSE*.—It is alleged by the attorney for the defendant, that the defendant is ready to put in his answer to the plaintiffs' bill, provided the plaintiffs who are foreigners, and live out of the jurisdiction of this Province, or their attorney, or some one else for them, will give security to pay such costs of suit as this Court shall adjudge in case the said plaintiffs' bill be dismissed.

14th February, 1670.—*Per Curiam*.—Whereupon it is ordered that no further proceedings be had in the said cause till such security be given as aforesaid. And afterwards no security having been given as required, the bill was dismissed.—*Chan. Proc. lib. C. D.* 29, 41.